

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

MAJOR GEORGE TILLERY

Petitioner

v.

KENNETH EASON, *Superintendent, State
Correctional Institution at Chester*, et al.

Respondents.

CIVIL ACTION

No. 20-cv-02675-PBT

MOTION TO LIFT STAY

Petitioner Major G. Tillery, by and through his undersigned counsel, hereby moves this Honorable Court for an Order granting relief from temporary stay, and in support of the application, asserts the following:

1. This matter is now before the Court on the Petitioner Major Tillery's Second Petition for a Writ of Habeas Corpus, which was filed with the court on June 5, 2020 (ECF No. 2).
2. After initially opposing the Petition (ECF No. 13), respondents withdrew their opposition and moved for a stay to permit voluntary discovery (ECF No. 23).
3. Following a report and recommendation of Magistrate Judge Lynne A. Sitarski (ECF No. 25), the Court entered an Order on January 10, 2022, granting the Motion and holding all proceedings in abeyance until the parties had completed voluntary discovery (ECF No. 26).
4. The parties have engaged in voluntary discovery, including a review of the homicide file and the District Attorney files. Those reviews occurred on March 1, 2022, and on March 3, 2022.

5. On June 2, 2022, Petitioner filed his Counseled and Amended Petition for Writ of Habeas Corpus (ECF No. 28).

6. On June 6, 2022, Petitioner advised counsel for respondents that no further discovery was needed. A true and correct copy of Petitioner's letter of that date is attached as Exhibit "A to this Motion.

7. The Court's Order granting the stay indicates that the Respondents are to advise the Court within seven days following the completion of voluntary discovery (ECF No. 26).

8. Petitioner seeks to have the stay lifted as voluntary discovery is now complete and Petitioner has filed his Counseled and Amended Petition.

WHEREFORE, Petitioner Major G. Tillery, respectfully requests that this Honorable Court grant the Motion and bring the case out of abeyance.

Date: June 8, 2022

Respectfully submitted,

MARRONE LAW FIRM

By: _____
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June 6, 2022

Via Email Only

Matt Stiegler, Esq.
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Re: Tillery v. Eason, et al
Eastern District of PA Docket No. 20-cv-02675

Dear Mr. Stiegler:

As you know, this office represents the Petitioner in the above-captioned matter. On January 10, 2022, the Court entered an Order granting Respondent's Motion for Stay. That Order also provides that the Respondents are required to advise the Court within seven days of the completion of discovery. In order to facilitate that notification, please be advised that discovery required by the Petitioner is now complete.

Thank you for your kind attention to this matter. Please let me know if you have any questions regarding voluntary discovery or any other issue related to this case.

Very truly yours,

A handwritten signature in dark blue ink that reads "Michael Pomerantz". The signature is written in a cursive, flowing style.

Michael D. Pomerantz

cc: Major Tillery

EXHIBIT "A"

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ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of the Petitioner's Motion to Lift Stay, and any response thereto, it is hereby ORDERED and DECREED that the stay initiated by Order of this Court on January 10, 2022, (ECF No. 26) is hereby lifted. It is FURTHER ORDERED and DECREED that Respondents shall file their response, if any, to the Counseled and Amended Petition (ECF No. 28) within sixty (60) days of the date of this Order.

BY THE COURT:

The Honorable Petrese B. Tucker, S.J.

CERTIFICATE OF SERVICE

I hereby certify that I have filed the within Motion to Lift Stay with the Court's Electronic Filing System, making it available for all parties to review.

Date: June 8, 2022

MARRONE LAW FIRM

By: _____

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